

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 JAN 28 PM 4:55

UNITED STATES OF AMERICA,

Plaintiff,

v.

Israel CRUZ,

Defendant

Magistrate Docket No. 08 MJ 0258

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **January 27, 2008** within the Southern District of California, defendant, **Israel CRUZ**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

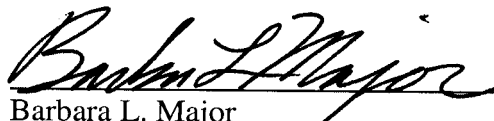


SIGNATURE OF COMPLAINANT

Alexis M. Carroll

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **29th** DAY OF **JANUARY 2008**.



Barbara L. Major

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Israel CRUZ

PROBABLE CAUSE STATEMENT

On January 27, 2008, at approximately 8:40 A.M Border Patrol Agents responded to an area approximately two miles north of the International Boundary and one mile west of the Tecate, California Port of Entry in order to assist an agent who was in pursuit of a vehicle that failed to yield.

While in foot pursuit of the driver, agents encountered a group of individuals in the vicinity of where the driver had absconded. These individuals tried to flee from the approaching Border Patrol Agents. The agents eventually apprehended nine individuals after a brief foot chase. Supervisory Border Patrol Agent R. Gonzalez identified himself as a Border Patrol Agent and questioned each subject as to their citizenship and nationality. Each individual stated that they were citizens and nationals of Mexico and that they had entered the United States illegally. One subject, later identified as the defendant **Israel CRUZ**, state that he was a citizen and national of Mexico, illegally present in the United States without having any valid United States immigration documents allowing him to enter, be or remain in the United States legally. All individual were arrested and transported to the El Cajon Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **January 8, 2008** through **Nogales, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights, which he stated he understood and was willing to answer questions without having an attorney present. The defendant admitted to being a citizen and national of Mexico illegally in the United States. The defendant admitted to being arrested and convicted for assault with a deadly weapon in 2003 and served approximately four years in prison. The defendant stated that he used to be part of the "Norteno Gang". The defendant stated that he was deported from the United States by an Immigration Judge in Eloy, Arizona on January 7, 2008. The defendant stated that he made arrangements to be smuggled with an alien smuggler in Tijuana, Baja California, Mexico and was to pay \$2,500 upon being successfully smuggled to Los Angeles, California.